

**BEFORE ELECTION COMMISSIONER OF PAKISTAN
THROUGH ITS SECRETARY CONSTITUTIONAL VENUE
ISLAMABAD**

**REPRESENTATION NO. ____ 2018
(Against Draft Delimitation of Constituencies
PB- I of Sherani District & PB-II of Zhob District).**

Ghulam Nabi S/o Bahawal Khan
R/o Killi Appozai Post Office Zhob
Tehsil & District Zhob.

PETITIONER

**REPRESENTATION FORM MEMORANDUM UNDER RULE 12 OF
ELECTION RULES 2017 AGAINST DELIMITATION OF
CONSTITUENCIES PB-I OF SHERANI DISTRICT AND PB- II OF
ZHOB DISTRICT PUBLISHED BY ELECTION COMMISSION ON
RECOMMENDATION OF DELIMITATION COMMITTEE ON
05-03-2018**

I N D E X

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Dated: 21-03 2018

Ghulam Nabi
PETITIONER

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*JA 30/3/2018
1-13*

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The petitioner submitted as under:-

1. That petitioner, is a registered voter in Zhob District (PB-II Zhob) and therefore is to make REPRESENTATION TO THE Commission.
2. That eventually, vide Gazette of Pakistan dated 25-06-2002, aforesaid constituencies of Zhob District PB-19 Zhob-II and PB-II were reconstituted as under:-

AA/30/07/2019

PB-18 (SHERANI-I)

- a) Sherani Sub Division.
- b) Under mentioned Patwar Circle of Zhob Sub Division:-
 - i) Abdullah Zai,
 - ii) Babar, and,
 - iii) Murgha Kib Zai,

PB-19 (ZHOB-II)

- a) Zhob Town,
- b) Zhob Cantonment,
- c) (i) Saddar Mandokhial Patwar Circle,
(ii) Gastoi Patwar Circle of Zhob:
Sub-Division and
- d) Kakar Khurasan Sub-Division of Zhob District.

Reconstituted constituencies were not further challenged from any quarter.

3. That national Elections and Provincial Elections in the year 2002, 2008 and 2013 were held on basis of constituencies PB-18 (SHERANI-I) and PB-19 (ZHOB-II) As per aforesaid gazette.
4. That on 02-10-2017 legislation called: ELECTION ACT 2017 (Act No.XXXIII of 2017) was passed, important features whereof may be referred.

20/05/2014

A. (a) By section 241, following laws were repealed:

- i) Electoral Act 1974 (Act No.XXI of 1974),
- ii) The delimitation of constituencies Act 1974 (Act No.XXXIV) of 1974),
- iii) The senate (Election) Act 1975 (Act No.LI of 1975)
- iv) The representation of people Act 1976 (act No.XXXV) of 1976)
- v) Election Commission order 2002 (Chief Executive Order No.7 of 2002)
- vi) Political parties order 2002 (Chief Executive Order No.18 of 2002) and
- vii) The allocation of Symbols Order 2002.

B) Section 19 and 20 of Election Act 1917 dealt with:

- i) Delimitation of Constituencies and
- ii) Principles of Delimitation and are reproduces.

19 .Delimitation of constituencies

- 1) For the purpose of election to the National Assembly, the Commission shall divide.....
 - a) Each Province into as many separate territorial constituencies as the number of general seats allocated to the province in Article 51 and,
 - b) Islamabad Capital Territory and the Federally Administered Tribal areas into as many separate territorial constituencies as the number of general seats respectively allocated to the Islamabad Capital Territory and the Federally Administered Tribal Areas in Article 51.
- 2) A province shall be single constituency for all seats reserved for Women which are allocated to each Province in Article 51.

8/20/2018

- 3) The constituency for all seats reserved for Non-Muslims in the National Assembly shall be the whole country.
- 4) For the purpose of election to Provincial Assemblies, the commission shall divide each province into as many separate territorial constituencies as the number of general seats specified in Article 106.
- 5) The constituencies for the seat reserved for women and Non-Muslim in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province in Article 106.
- 6) For the purpose of election to the local Governments, the Commission shall carry out delimitation with due regard to the applicable local Government law.

5. 20. Principles of delimitation

- 1) All constituencies for general seats, as far as practicable, be delimited heaving regard to the distribution of population in geographically compact areas, **physical features** * existing boundaries of administrative units, facilities of communication and public conveniences and other cognate factors** to ensure homogeneity in the creation of constituencies.

***Physical geography:**

The branch of geography concerned with the study of the earth's natural features, e.g. mountain ranges, ocean currents etc. CHAMBER 21st Century Dictionary.

**** Cognate:**

1. Descended from or related to a common ancestor.

2. Said of words or language derived from the same original form.
3. Related akin CHAMBERS ibid.
- 2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal areas two or more separate areas may be grouped in to one constituency.
- 3) **As far as possible variation in population of constituencies of an Assembly or a local government shall not be ordinarily exceeded ten percent.**
- 4) **If the limit of ten percent under sub section (3) is exceeded in an exceptional case, the commission shall record reason thereof in the delimitation order"**
- 6) That, in pursuance of Election Act, Rules called. The Election Rules 2017 were framed on 09-11-2017, Chapter III whereof provided for delimitation of Constituencies of Assemblies where-under the commission had to carry out Delimitation of constituencies of general seats in an Assembly in accordance with Section -19 and the procedure laid down in chapter-III **on the basis of population in accordance with last preceding census officially published.**

It may here by submitted that there is consensus that last preceding census held in 2017 was not officially published.

As shown here in after amongst ground of representation, the very exercise of delimitation on the basis of population may not be found lawful.

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- 7) That it would have been seen from principles of delimitation under Section 20 of Election Act 2017, that there are two main rules to be followed in delimitation. One requires the constituencies not to vary more than 10pc in population and the others call for them to remain within district boundaries. They both have merits but certainly cannot be adhere to simultaneously. If one is followed, the other is violated.

The equalization of population has not been followed and variation in population is more than 10pc.

This has happened despite Election Act 2017 calling for constituencies to be equal in population as far as possible and asking the Election Commission to provide justification if the size of constituencies varies by more than 10pc. Election Commission has provided justification where it considered necessary. But in most instances, inequality is direct outcome of the law itself that set the principles of delimitation.

A constituency is not allowed to cut across district boundaries which also means that each district shall have a whole number of seats.

- 8) That sherani district was created in 2006 with a population of 81,684. Now an presence census the Sherani population is 15,3116 as against population of Zohb distirct (after bufrication) being 310544. As well, Sherani district has no infrastructure with the result that all its important offices are situate with Zhob district. left after its bifurcation. The Sherani District breakup as under:-

- a) Treasury office of District sherani is in Zhob-
- b) Office of chairmen & vice chairmen of Municipal Committee sherani to is situated in Zhob,

c) Office of district election commissioner sherani is also situated in Zhob city,

d) Even office and residence of deputy commissioner sherani in is Zhob city, contiguous to office and residence off deputy commissioner Zhob.

e) Office of executive Engineer provincial B&R District Sherani Zhob B&R colony,

9) The petitioner being highly aggrieved and unjustified from the boundaries of the constituencies of the PB-I Sherani & PB-II Zhob. Therefore preferring the representation on the following amongst other ground.

“GROUNDS”

A. That the constituencies made by the constituencies are contrary to the facts, law and justice, therefore same are not acceptable and are liable to be modified/rectified.

B. Because , in circumstances first priority would be to restore the constituencies in notified in the gazette of June 28,2002.

There appears to be no just reason for delimiting the two constituencies PB-18 District Sherani and PB-19 Zhob-II.

Draft list of constituencies in form-5 warrants interference.

C. Because, indeed, as pointed out in para -6 admitted position is that the last preceding census conducted in year 2017 has not been officially published, therefore, exercise of delimitation of constituencies done by the election commission through delimitation Committee was futile and not in conformity with (clause 2 of article 17 read with Rule of the Election Rules 2017.

D. Because, delimitation no notified in the gazette of 28th June 2002 in relation to PB-18 (Sherani-I) and PB-19 (Zhob-II) conformed to the principle of delimitation as given in Section 20 of Election Act heaving regard to distribution population in geographically compact areas physical features, boundaries of existing units, facilities of communication, public constituencies and other cognate to ensure homogeneity in the creation of constituencies.

E. Because attention is invited to draft list of constituencies for PB-7 Ziarat-cum Harnai, PB-42 Washuk-cum-Kharan and PB-14 Awaran-cu-Panjgur. Relevant plans are appended herewith attached as a annexure-

F. That petitioner seeks review and recall of DRAFT list of constituencies as under.

concerns PB-I Sherani for Sherani district and PB-II for Zhob District, and to restore be reconstituted in the same manner as per gazette Notification dated 28th June 2002, as a 1st priority with ALTERNATIVES (a), (b) and (c) in order on preferences.

A. PB-I SHERANI

a) Sherani Sub Division.

b) The following patwar Circles of Zhob Sub Division.

- Handwritten: 23/03/2018
- i) Abdullah Zai.
 - ii) Babar and
 - iii) Murgha Keb Zai of Zhob Distirct.

PB-II Zhob of Zhob District with following areas

- a) Zhob Town
- b) Zhob Cantonment.
- c) (i) Saddar Mandokhial patwar Circle,
(ii) Gastio Patwar Circle of Zhob Sub-Division,
and
- d) Kakar khurasan sub Division of Zhob District.

B) 1ST Preference

To equalize the population of PB-I & PB-II North Sheen Ghar and south Sheen Ghar from Sherani District be included in Zhob District (PB-II) additionally three patwar circles from PB-II Zhob namely Abdullah Zai, Murgha kibzai & Babar and forming part of PB-II may be **excluded and included** in PB-I Sherani, Resultantly, population of Zhob PB-II will be 2,28,761 whereas population of PB-I Serani will be 2,34,935 which will be namely minimum equal to that of sherani District with the margin of 6,174 only. Concerned Map is enclosed as annexure

C. 2nd Preference

2nd preference is to exclude patwar circales Abdullah Zai and Murgha kabzai from PB-II Zhob District with populations of 42,422 & 37,979

respectively while keeping patwar circle Babr in PB_II. On such arrangement, the population of the II PBs will be as under.

PB_I Sherani District.	2,33,553
PB_II Zhob District	2,30,143

By such arrangement, there is difference of hardly 3,000, which would be less than 10% and thus permissible without considering the commission to give reasons of justification.

D. 3rd preference

Patwar circles namely: Mugha Kabzai & Babar may be excluded from Zhob. On such arrangement, the population of the II PBs will be as under.

PB_I Sherani District	2,29,208
PB_II Zhob District	2,34,452

It is prayed accordingly.


PETITIONER

Ghulam Nabi S/o Bahawal Din
R/o Killi Appozai Post Office Zhob
Tehsil & District Zhob.

DATED 29/03/2018

J/30/03/2018

ENCLOSURES

I. As per index.

II. Eight 08 copies of representation.

Along with duly marked equal number of

Relevant Maps obtained from commission,

Pakistan Bureau of statistics or,

The Revenue Department on the scale

Approved by the Commission indicating

There in existing administrative and Revenue units in the District.

III. UN marked Maps (Point out) purposed by the petitioner.

IV. Draft list of constituencies for PB-7 Ziarat-cum Harnai, PB-42 Washuk-cum

Kharan and PB-14 Awaran-cu-Panjgur.

V. Voter List Certificate issued by the District Election Commissioner

Registration office Quetta.


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ELECTION RULES 2017**

AFFIDAVIT



I, Ghulam Nabi S/o Bahawal Din R/o , Killi Appozai Post Office Zhob
Tehsil & District Zhob, do hereby solemnly affirm and state on oath that the
contents of the Representation are true to the best of our knowledge and
nothing relevant has been conceal there from.


PETITIONER

ATTESTED

★ 27 MAR 2018 ★

SAADAT KHAN KAKAR
Oath Commissioner
Advocate High Court Quetta.